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EXAMINER

SHELEHEDA, JAMES R

ART UNIT PAPER NUMBER

2614

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/813,977

Applicant(s)

JOHANSSON, IVAN

Examiner

James Sheleheda

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/22/01, 6/14/01, 4/18/02</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

1. Claims 21 and 22 objected to because of the following informalities: In claims 21 and 22, lines 1-2, "claim 13" should be changed to --claim 20--.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 27 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 27 is directed to a computer program, which is **loadable** into memory. Computer software and programs are, by themselves, not patentable material. It is the computer readable medium containing the particular program which is patentable.

For example "a computer readable medium containing software code which performs the functions of...."

See MPEP § 2106.01.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 27 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

More specifically, claims 27 indicates a computer program loadable into the internal memory of a terminal (lines 1-3) which will collect and store service information in a database server (lines 1-12) and then transfer the data to the terminal from the database server (lines 13-14). The specification fails to disclose software **code in memory at the terminal** which would be controlling the functions of collecting and storing information **in the server database** and transferring the information **to** the terminal.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Regarding claims 3 and 15 the phrase "preferably" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention.
8. Regarding claims 8, 20 and 26, the phrase "such as" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention.

See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-7, 11, 13-19, 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman (5,828,945) in view of Davis et al. (Davis) (5,576,755).

As to claim 1, while Klosterman discloses a method of providing a terminal (coordinator, 20) connected to at least two communication networks (Fig. 1a-c; column 3, lines 63-67 and column 4, lines 5-20) with information regarding services provided in said networks (column 4, lines 49-65), said method comprising following steps:

providing a server (system, 200 merging the data and broadcasting it to the receiver; Fig. 2; column 6, lines 41-52);

collecting information regarding services provided in said at least two communication networks in said server (column 6, lines 23-40);

storing collected information in said server (wherein the collected information is inherently buffered or stored for processing; column 6, lines 41-52); and

transferring said service information to said terminal (column 6, lines 50-63), he fails to specifically disclose

a database; and

storing the collected information in the database in a uniform format.

In an analogous art, Davis discloses an EPG system (Fig. 1) which will receive EPG information from a plurality of sources (listings, 101-103; column 4, lines 30-50) in a plurality of formats (column 4, lines 51-58) and convert the data into a uniform format (column 4, lines 51-58) which is then stored in a database (listings database, 130; column 4, lines 51-58 and column 5, lines 15-17) for the typical benefit of ensuring that program data from a plurality of sources are in a common format for when combined and processed (column 4, lines 51-58).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Klosterman's system to include the use of a database and storing collected information in the database in a uniform format, as taught by Davis, for the typical benefit of ensuring that data received from different sources can be correctly processed and combined.

As to claim 13, while Klosterman discloses a communication system, comprising: a plurality (wherein broadcast networks have a plurality of users; column 3, lines 1-12) of terminals (coordinator, 20) connected to at least two communication networks (Fig. 1a-c; column 3, lines 63-67 and column 4, lines 5-20), and

providing a server (system, 200 merging the data and broadcasting it to the receiver; Fig. 2; column 6, lines 41-52) for storing digital information (wherein the collected information is inherently buffered or stored for processing; column 6, lines 41-

52) and being arranged to communicate with said plurality of terminals (see Fig. 2), said server comprising,

a device for collecting information regarding services provided in said networks (column 6, lines 23-40);

a device for storing collected information in said server (wherein the collected information is inherently buffered or stored for processing; column 6, lines 41-52); and

a device for transferring said service information to said terminals (column 6, lines 50-63), he fails to specifically disclose

a database; and

storing the collected information in the database in a uniform format.

In an analogous art, Davis discloses an EPG system (Fig. 1) which will receive EPG information from a plurality of sources (listings, 101-103; column 4, lines 30-50) in a plurality of formats (column 4, lines 51-58) and convert the data into a uniform format (column 4, lines 51-58) which is then stored in a database (listings database, 130; column 4, lines 51-58 and column 5, lines 15-17) for the typical benefit of ensuring that program data from a plurality of sources are in a common format for when combined and processed (column 4, lines 51-58).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Klosterman's system to include the use of a database and storing collected information in the database in a uniform format, as taught by Davis, for the typical benefit of ensuring that data received from different sources can be correctly processed and combined.

As to claim 25, while Klosterman discloses a terminal (coordinator, 20) comprising a receiver adapted for receiving digital information from at least two networks (Fig. 1C) said terminal comprising:

a device for receiving information regarding services (column 6, lines 50-63) provided by said at least two networks (column 6, lines 23-40),

wherein said service information is collected in a server (system, 200; Fig. 2; column 6, lines 41-52), stored in said server (wherein the collected information is inherently buffered or stored for processing; column 6, lines 41-52), and

transferred to said terminal from said server (column 6, lines 50-63), he fails to specifically disclose

a database; and

storing the collected information in the database in a uniform format.

In an analogous art, Davis discloses an EPG system (Fig. 1) which will receive EPG information from a plurality of sources (listings, 101-103; column 4, lines 30-50) in a plurality of formats (column 4, lines 51-58) and convert the data into a uniform format (column 4, lines 51-58) which is then stored in a database (listings database, 130; column 4, lines 51-58 and column 5, lines 15-17) for the typical benefit of ensuring that program data from a plurality of sources are in a common format for when combined and processed (column 4, lines 51-58).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Klosterman's system to include the use of a database

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and storing collected information in the database in a uniform format, as taught by Davis, for the typical benefit of ensuring that data received from different sources can be correctly processed and combined.

As to claims 2 and 14, while Klosterman and Davis disclose a plurality of networks (cable and satellite; see Klosterman at column 3, lines 8-12), they fail to specifically disclose wherein said networks are adapted to Digital Video Broadcasting, MPEG2, ATSC and cablelabs.

The examiner takes official notice that it is notoriously well known in the art to utilize transmission networks which conform to a well known standard, such as Digital Video Broadcasting, MPEG2, ATSC or cablelabs, for the typical benefits of utilizing a known standard to ensure compatibility and uniformity between various networks and network equipment.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Klosterman and Davis' system to include wherein said networks are adapted to Digital Video Broadcasting, MPEG2, ATSC and cablelabs for the typical benefits of utilizing a known standard to ensure compatibility and uniformity between various networks and network equipment.

As to claims 3 and 15, Klosterman and Davis disclose wherein said terminal is an integrated receiver decoder, preferably a set top box (see Klosterman at Fig. 1C; column 4, lines 31-34 and column 5, lines 36-40).

As to claims 4 and 16, Klosterman and Davis disclose wherein the step of collecting information is effected manually (see Klosterman at column 6, lines 34-36).

As to claims 5 and 17, while Klosterman and Davis disclose collecting information from a broadcast channel (see Klosterman at column 6, lines 23-33), they fail to specifically disclose collecting information by means of a channel search.

The examiner takes official notice that it is notoriously well known in the art to retrieve information from a broadcast network by a use of channel search, or cycling through each broadcast channel to retrieve information from each channel, for the typical benefit of collecting a comprehensive collection of all of the information in the network by collecting information from each channel.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Klosterman and Davis' system to include collecting information by means of a channel search for the typical benefit of collecting a comprehensive collection of all of the information in the network by collecting information from each channel.

As to claims 6 and 18, Klosterman and Davis disclose wherein the step of collecting information comprises the additional step of converting non-uniform information collected by said server into said uniform format (see Davis at column 4, lines 51-58).

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As to claims 7 and 19, while Klosterman and Davis disclose collecting information from a broadcast channel (see Klosterman at column 6, lines 23-33), they fail to specifically disclose wherein said collecting is performed at predetermined intervals.

The examiner takes official notice that it is notoriously well known in the art for service information to be transmitted from broadcast networks at set predetermined intervals, such as hourly or daily, for the typical benefit of periodically updating transmitted service information to reflect the current time and any changes which have taken place.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Klosterman and Davis' system to include wherein said collecting is performed at predetermined intervals for the typical benefit of periodically updating transmitted service information to reflect the current time and any changes which have taken place.

As to claims 11 and 23, while Klosterman and Davis disclose transferring said uniform service information to said terminal, they fail to specifically disclose wherein said transfer is initiated by a terminal.

The examiner takes official notice that it is notoriously well known in the art for the transfer of service information to be initiated by a terminal, such as by a terminal

with lower memory capabilities, for the typical benefit of allowing the a limited memory terminal to request service information "as needed".

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Klosterman and Davis' system to include wherein said transfer is initiated by a terminal, for the typical benefit of allowing service information to be transmitted "as needed" by a terminal with limited memory capabilities.

11. Claims 8-10, 12, 20-22, 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander and Davis as applied to claims 1, 1 and 25 above, and further in view of Maissel et al. (Maissel) (WO 99/01984).

As to claims 8 and 26, while Klosterman and Davis disclose storing user information regarding to which networks said terminal is connected (the order the sources should be sorted in; see Klosterman at column 6, lines 44-46) and a step of transferring said uniform information (see Klosterman at column 6, lines 50-63), they fail to specifically disclose wherein said user information comprises access rights and user preferences, such as fields of interest and a step of filtering said uniform information by means of said user information.

In an analogous art, Maissel discloses a system for receiving EPG information (Fig. 2) wherein the system will store user information (user preferences; page 18, lines 23-30) which include access rights (user subscribed programs; page 22, lines 4-6), and user preferences (page 18, lines 23-30), such as field of interest (page 19, lines 1-5), and filter EPG service information based upon said user information (customize to

remove certain programs; page 20, lines 19-23 and page 21, lines 3-5) for the typical benefit of allowing the viewer to customize the service information to suit their personal preferences (page 19, lines 16-18).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Klosterman and Davis' system to include wherein said user information comprises access rights and user preferences, such as fields of interest and a step of filtering said uniform information by means of said user information, as taught by Maissel, for the typical benefit of allowing the viewer to customize the service information to suit their personal preferences.

As to claim 9, Klosterman, Davis and Maissel disclose wherein the step of filtering said uniform information (by an intelligent agent; see Maissel at page 20, lines 19-23) is performed in said server (wherein the intelligent agent is at the server; see Maissel at Fig. 8a; page 28, lines 17-24 and page 29, lines 3-9).

As to claim 10, Klosterman, Davis and Maissel disclose wherein the step of filtering said uniform information (by an intelligent agent; see Maissel at page 20, lines 19-23) is performed in said terminal (wherein the intelligent agent is at the subscriber unit; see Maissel at Fig. 8b; page 30, lines 14-27).

As to claim 12, Klosterman, Davis and Maissel disclose wherein said step of transferring said uniform service information is effected by means of a push function

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initiated at the server (wherein the information is transmitted to the terminal as it is merged; see Klosterman at column 6, lines 50-63).

As to claim 20, while Klosterman and Davis disclose memory for storing user information regarding to which networks said terminal is connected (the order the sources should be sorted in; see Klosterman at column 6, lines 44-46), they fail to specifically disclose wherein said user information comprises access rights and user preferences, such as fields of interest.

In an analogous art, Maissel discloses a system for receiving EPG information (Fig. 2) wherein the system will store user information (user preferences; page 18, lines 23-30) which include access rights (user subscribed programs; page 22, lines 4-6), and user preferences (page 18, lines 23-30), such as field of interest (page 19, lines 1-5), and filter EPG service information based upon said user information (customize to remove certain programs; page 20, lines 19-23 and page 21, lines 3-5) for the typical benefit of allowing the viewer to customize the service information to suit their personal preferences (page 19, lines 16-18).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Klosterman and Davis' system to include wherein said user information comprises access rights and user preferences, such as fields of interest, as taught by Maissel, for the typical benefit of allowing the viewer to customize the service information to suit their personal preferences.

As to claim 21, Klosterman, Davis and Maissel disclose wherein said server comprise a filter (intelligent agent at the server; see Maissel at Fig. 8a; page 28, lines 17-24 and page 29, lines 3-9) for filtering said uniform information by means of said user information (by an intelligent agent; see Maissel at page 20, lines 19-23).

As to claim 22, Klosterman, Davis and Maissel disclose wherein at least one of said terminals comprises a filter (intelligent agent at the subscriber unit; see Maissel at Fig. 8b; page 30, lines 14-27) for filtering said uniform information by means of said user information (by an intelligent agent; see Maissel at page 20, lines 19-23).

As to claim 24, Klosterman, Davis and Maissel disclose wherein said step of transferring said uniform service information is effected by means of a push function initiated at the server (wherein the information is transmitted to the terminal as it is merged; see Klosterman at column 6, lines 50-63).

12. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman in view of Davis and Maissel.

As to claim 27, while Klosterman discloses a computer program directly loadable into the internal memory of a computer terminal (internal software controlling coordinator, 20; column 4, lines 21-34) comprising a receiver adapted for receiving digital information from at least two networks (Fig. 1C), said product comprising:

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software code portions (controlling system, 200) for collecting said service information in a server (system, 200; Fig. 2; column 6, lines 41-52), storing said service information in said server (wherein the collected information is inherently buffered or stored for processing; column 6, lines 41-52), and

transferring said service information to said terminal from said server (column 6, lines 50-63), he fails to specifically disclose

a database;

storing the collected information in the database in a uniform format and software code for filtering information regarding services provided by said networks.

In an analogous art, Davis discloses an EPG system (Fig. 1) which will receive EPG information from a plurality of sources (listings, 101-103; column 4, lines 30-50) in a plurality of formats (column 4, lines 51-58) and convert the data into a uniform format (column 4, lines 51-58) which is then stored in a database (listings database, 130; column 4, lines 51-58 and column 5, lines 15-17) for the typical benefit of ensuring that program data from a plurality of sources are in a common format for when combined and processed (column 4, lines 51-58).

Additionally, in an analogous art, Maissel discloses a system for receiving EPG information (Fig. 2) wherein the system will store user information (user preferences; page 18, lines 23-30) which include access rights (user subscribed programs; page 22, lines 4-6), and user preferences (page 18, lines 23-30), such as field of interest (page 19, lines 1-5), and filter EPG service information based upon said user information (customize to remove certain programs; page 20, lines 19-23 and page 21, lines 3-5) for

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the typical benefit of allowing the viewer to customize the service information to suit their personal preferences (page 19, lines 16-18).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Klosterman's system to include the use of a database and storing collected information in the database in a uniform format, as taught by Davis, for the typical benefit of ensuring that data received from different sources can be correctly processed and combined.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Klosterman and Davis' system to include wherein said user information comprises access rights and user preferences, such as fields of interest and a step of filtering said uniform information by means of said user information, as taught by Maissel, for the typical benefit of allowing the viewer to customize the service information to suit their personal preferences.

Conclusion

13. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sheleheda whose telephone number is (703) 305-8722. The examiner can normally be reached on 9:00-5:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703) 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James Sheleheda
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